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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/760,580

01/21/2004

David A. Hill

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08/22/2006

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EXAMINER

LOWE, MICHAEL S

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/760,580

Applicant(s)

HILL ET AL.

Examiner

M. Scott Lowe

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 9-13, 17-20 is/are rejected.
- 7) ☒ Claim(s) 4-8 and 14-16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitation "the at least one roller" in line 7. There is insufficient antecedent basis for this limitation in the claim. For sake of examination it is assumed applicant meant "the at least one roller assembly".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,9-11,17,20 are rejected under 35 U.S.C. 102(b) as being anticipated by Long (US 3,881,426).

Re claim 1, Long teaches a roller mechanism 24 for transporting loads over a surface 134, comprising:

a body 35;

at least one roller assembly 38 that permits the body to move in at least one

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translational direction, the roller assembly 38 being rotatably connected to the body 35;

and

a lifting mechanism (48,65a,108,100) attached to the body 35 such that the body is selectively rotatable relative to the lifting mechanism;

wherein the lifting mechanism can be operated to lift the roller assemblies out of contact with the surface 134.

Re claim 9, Long teaches the lifting mechanism has a retracted state and an extended state and includes a foot 48 which is not in contact with the surface 134 when the lifting mechanism is in the retracted state, but which contacts the surface when the lifting mechanism is in the extended state.

Re claim 10, Long teaches the lifting mechanism (48,65a,108,100) while in the extended state, the lifting mechanism supports the body and the at least one roller assembly 38 above the surface 134.

Re claim 11, Long teaches a roller mechanism 24 for transporting loads over a surface 134, comprising:

a body 35;

at least one roller assembly 38 that permits the body to move in at least one translational direction, the roller assembly being rotatably connected to the body; and

a lifting mechanism (48,65a,108,100) attached to the body such that the body is selectively rotatable relative to the lifting mechanism and the lifting mechanism can be operated to lift the body 35 and the at least one roller 38 from the surface 134.

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Re claim 17, Long teaches a roller mechanism 24 for transporting loads over a surface 134, comprising:

a body 35;

at least one roller assembly 38 that permits the body to move in a translational direction, the at least one roller assembly 38 being rotatably connected to the body; and a lifting mechanism (48,65a,108,100) having a retracted state in which the lifting mechanism does not contact the surface and an extended state in which the lifting mechanism contacts the surface and supports the body and the roller assembly above the surface;

wherein the body and the roller assembly are rotatable relative to the lifting mechanism when the body 35 and the roller assembly 38 are not in contact with the surface 134.

Re claim 20, Long teaches a method of operating a roller mechanism 24 on a surface 134, the roller mechanism having a body 35, at least one roller assembly 38 for moving the body 35 in at least one translational direction over the surface 134, the roller assembly being rotatably connected to the body 35, and a lifting mechanism (48,65a,108,100), comprising the steps of:

lifting, with the lifting mechanism (48,65a,108,100), a load 26 that has been placed on the roller mechanism by a predetermined distance;

lifting, with the lifting mechanism after the load has been lifted the predetermined distance, the load 26, the body and the at least one roller assembly 38 until the at least one roller assembly is out of contact with the surface; and

rotating the body 35 relative to the lifting mechanism.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,3,12,13, are rejected under 35 U.S.C. 103(a) as being unpatentable over Long (US 3,881,426) in view of Gerky (US 4,200,424).

Re claims 2,12, Long does not teach projections and detents. Gerkey teaches a projection 62 and a detent 60 that receives the projection in order to maintain the structures attached to the projection and detent in a fixed relative rotatable position. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Long by the teaching of Gerky to have at least one projection and the body includes at least one detent that receives the at least one projection wherein the at least one projection and the at least one detent maintain the body in a fixed rotatable position relative the lifting mechanism.

Re claims 3,13, Long as already modified by Gerky teaches the body is rotatable relative to the lifting mechanism when the at least one projection is not engaged with the at least one detent.

Claims 18,19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Long (US 3,881,426) in view of Johnson (US 5,151,004).

Re claim 18, Long teaches the lifting mechanism includes:
a foot 48 which selectively engages the surface 134,
a structural member (various apply, 51,65) located within the body 35, and
a load bearing surface 134,
wherein the foot, structural member and load bearing surface are connected.
Long does not teach a hydraulic cylinder. Johnson teaches using a hydraulic cylinder 43 to lift a body 12 and its rollers 15 off a surface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Long by the general teaching of Johnson to use a hydraulic cylinder (connected to the body) as equivalent lifting power source in order to lift the body 35 and its rollers 38 off the surface 134.

Re claim 19, Long teaches the structural member engages the body 35 to raise the roller assembly 38 above the surface 134.

Allowable Subject Matter

Claims 4-8 and 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mingo (US 1,486,784) teaches a similar device.

Warshaw (US 1,997,327) teaches a similar device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is (571) 272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

msl



PATRICK MACKEY
PRIMARY EXAMINER